

Date: April 26, 1994 BQC-94-029

To: Outpatient Rehabilitation Agencies OPRA 1
Physical Therapists/Independent Practice PT/IP 2

From: Judy Fryback, Director
Bureau of Quality Compliance

Subject: Division of Health Standards and Quality Regional Program Letter No. 94-09A, on
Minimum Requirements for a Rehabilitation Program

Enclosed is a copy of the Health Care Financing Administration, Division of Health Standards and Quality Regional Program Letter No. 94-09A. The purpose of this letter is to inform you of an error of omission on the HCFA-1893 form that the Health Care Financing Administration (HCFA) is trying to correct. While the corrections are being made, rehabilitation agencies and the Bureau of Quality Compliance are directed to follow the regulations at 405.1720 in the September 13, 1991 Federal Register. A copy of this regulation has been enclosed with this memo. This regulation will be used by our survey staff to determine compliance until all corrections have been made.

Please share this information with the appropriate staff. Direct any questions you may have to Stephen D. Schlough, P.E., Chief, Hospital and Health Services Section at (608) 266-3878.

JF/SDS/jh 12602.nm

Enclosure

cc: -BQC Staff
-Office of Legal Counsel
-Ann Haney, DOH Admin.
-Kevin Piper, BHCF Dir.
-HCFA, Region V
-Illinois State Agency
-Ohio State Agency
-Michigan State Agency
-Indiana State Agency
-Minnesota State Agency
-Non-LTC BQC Memo Subscribers
-Mark Bunge, BPH

United States Department of Health & Human Services
Health Care Financing Administration
Region V
105 West Adams Street
15th Floor
Chicago, Illinois 60603-6201

Refer to: CO4

March 1994

Division of Health Standards and Quality Regional Program Letter No. 94-09A

Subject: The Rehabilitation Program Requirement in Rehabilitation Agencies

The Health Care Financing Administration (HCFA) Central Office has clarified the discrepancy that exists between the introductory paragraph in the regulation at 42 CFR 405.1720, October 1, 1992 Code of Federal Regulations (CFR) and the revision of this regulation on page 46562 of the September 13, 1991 Federal Register.

The Federal Register revision of 42 CFR 405.1720 was inadvertently omitted from the October 1, 1991 and October 1, 1992 CFR as well as from the outpatient physical therapy/speech pathology survey report form (Form HCFA-1893) which was revised September 1992. The revised Form HCFA-1893 and the October 1, 1991 and October 1, 1992 CFRs deleted language from the Condition of Participation, Rehabilitation Program, that contains the minimum requirements of a rehabilitation program that a rehabilitation agency must meet in order to be certified. The CFR indicates that the latest change to the regulation 405.1720 was made in 56 FR 46562, September 13, 1991. A review of this Federal Register indicates that it still contains the minimum requirements for a rehabilitation program, but simply added the exception to the requirement for hospitals, SNFs, or NFs that obtain their services from rehabilitation agencies. This means that a rehabilitation agency must provide a rehabilitation program that meets the vocational and social adjustment needs of its patients.

HCFA Central Office has advised that the Federal Register takes precedence over the CFR when technical errors occur during the publication of the CFR. Therefore, rehabilitation agencies must comply with the regulation at 42 CFR 405.1720 as published in the September 13, 1991 Federal Register. The Bureau of Policy Development in HCFA Central Office will instruct its regulation staff to notify the Office of the Federal Register of this omission.

We have enclosed a copy of the September 13, 1991 Federal Register including page 46562 and request that you advise your surveyors to use it in determining compliance with 42 CFR 405.1720 until Form HCFA-1893 is revised.

Please contact your Regional Office Program Representative if you have any questions concerning this matter.

/s/ William Pfeifer
Branch Chief
Survey & Certification Operations Branch
Division of Health Standards & Quality

Enclosure